

11

Notice of Allowability	Application No.	Applicant(s)	
	10/600,181	THOMAS ET AL.	
	Examiner	Art Unit	
	Melanie J. Hand	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 6/11/07.
2. ☒ The allowed claim(s) is/are 1-24, 27, 28, 30-32, 34-37 and 39.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

MJH

REASONS FOR ALLOWANCE

Response to Arguments

Applicant's arguments, see Remarks, filed June 11, 2007, with respect to the rejection of claim 37 under 35 U.S.C. 102 are moot.

Applicant's arguments with respect to the rejection of claims 1, 5-12, 16 and 20-24 under 35 U.S.C. 103 have been fully considered and are persuasive. The rejections of claims 1, 5-12, 16, 20-25, 29, 33, 37 and 40 under 35 U.S.C. 103 have been withdrawn.

Allowable Claims

Claims 1-24, 27, 28, 30-32, 34-37 and 39 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: A thorough search of the prior art of record did not disclose any reference, alone or in combination with other reference(s) that teaches or fairly suggests the following: an absorbent article having an acquisition layer that is a three-dimensional apertured film and having at least one raised ridge extending towards said topsheet from said female side of said acquisition distribution layer (claim 1), an absorbent article having an acquisition distribution layer that is a three-dimensional apertured film having a total void volume space greater than $500 \text{ cm}^3/\text{m}^2$ (claim 24), or a method of avoiding a wetness sensation comprising the step of redirecting unabsorbed fluids wherein said redirecting step includes providing raised ridges that define channels (claim 37).

The closest prior art of record is the combined teaching of Ahr and Biagioli. The reasons for indicating allowable subject matter over Ahr in view of Biagioli have been described in detail

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on page 8 of the Office action mailed January 11, 2006. With respect to amended claim 1, the combined teaching of Ahr and Biagioli does not teach an acquisition distribution layer having at least one raised ridge extending towards a topsheet from a female side as of said acquisition distribution layer, as such female side is defined in the disclosure. Additionally, with respect to amended claim 24, the instant disclosure provides criticality for a total void volume space greater than $500 \text{ cm}^3/\text{m}^2$ (see Fig. 14, ¶¶ 0076, 0077), whereas neither Ahr nor Biagioli teaches a particular total void volume space, only that such space exists, and it would not be obvious to one of ordinary skill in the art to modify the combined teaching of Ahr and Biagioli to obtain the claimed total void volume space.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

August 27, 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

